

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

SUBCOMMITTEE ON ZONING AND
FRANCHISES

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February 6, 2024
Start: 1:02 p.m.
Recess: 1:20 p.m.

HELD AT: 250 BROADWAY - COMMITTEE ROOM, 16TH
FLOOR

B E F O R E: Kevin C. Riley, Chairperson

COUNCIL MEMBERS:

David M. Carr
Francisco P. Moya
Yusef Salaam
Lynn C. Schulman

OTHER COUNCIL MEMBERS ATTENDING:

Crystal Hudson

2 SERGEANT-AT-ARMS: Good morning. This is a
3 microphone check for the Subcommittee on Zoning and
4 Franchises. Today's date is February 6, 2024, located
5 in the 16th Floor Committee Room, recording done by
6 Pedro Lugo.

7 SERGEANT-AT-ARMS: Can everybody settle
8 down, please? We're getting ready to begin.

9 Good afternoon and welcome to the New
10 York City Council vote of the Subcommittee on Zoning
11 and Franchises.

12 At this time, can everybody please
13 silence your cell phones.

14 At this time and going forward, no one is
15 to approach the dais. I repeat, no one is to approach
16 the dais.

17 Chair, we are ready to begin.

18 CHAIRPERSON RILEY: [GAVEL] Good afternoon
19 and welcome to a meeting of the Subcommittee on
20 Zoning and Franchises. I am Council Member Kevin
21 Riley, Chair of the Subcommittee.

22 This afternoon, I am joined by Council
23 Member Schulman, Council Member Salaam, Council
24 Member Carr, Council Member Hudson, and remotely by
25 Council Member Moya.

2 Today, we will vote on four proposals.

3 The first proposal is known as Whitestone Lane
4 Rezoning and consists of LUs 1 and 2.

5 The second proposal is known as 2226
6 Third Avenue Rezoning and consists of LUs 3, 4, and
7 5.

8 The third proposal is known as 962
9 Pacific Street Rezoning and consists of LUs 6, 7, and
10 8.

11 The fourth proposal is known as 166-11
12 91st Street Avenue which seeks a special permit and
13 consists of LUs 9 and 10.

14 Before we begin, I recognize the
15 Subcommittee Counsel to review the hearing
16 procedures.

17 COMMITTEE COUNSEL VIDAL: Thank you, Chair
18 Riley. I am William Vidal, Counsel to the
19 Subcommittee.

20 This meeting is being held in hybrid
21 format. Council Members who would like to ask
22 questions or make a statement should either indicate
23 so verbally or, if participating remotely, by using
24 the Zoom raise hand function. The Chair will
25 recognize Members to speak.

2 We ask all participants for your
3 continued patience should we have any difficulties
4 with the Zoom.

5 Chair Riley will now continue with
6 today's agenda items.

7 CHAIRPERSON RILEY: Thank you, Counsel. I
8 would like to start my remarks with the third
9 development proposal which, as I stated at the public
10 hearing, is an unusual proposal that raises an
11 important issue that I would like to further discuss.
12 The proposal at issue is a private application known
13 as the 962 Pacific Street Rezoning Project. The
14 development site is located in Council Member
15 Hudson's District in Brooklyn right off Atlantic
16 Avenue between Grand Ave and Carlton Ave.

17 This is an unusual proposal because it is
18 seeking to rezone property that is located within an
19 area that is the subject of a neighborhood planning
20 process initiated by the Department of City Planning.
21 The plan known as AAMUP, the Atlantic Avenue Mixed
22 Use Plan, was announced by DCP in April of 2022, and
23 the public engagement process started in January of
24 2023. This is not a new initiative, but an effort
25 that is well underway and about which the private

1 applicant for 962 Pacific Street is well aware. The
2 Department of City Planning, which is co-lead in the
3 Plan, along with Council Member Hudson has publicly
4 stated that AAMUP is scheduled to start ULURP, the
5 official public reviewing process, later this spring,
6 and at the end of this well-established process,
7 AAMUP will be formally voted upon by the City
8 Council.

10 The important issue that is before the
11 Subcommittee today is why an individual project
12 application should be allowed to bypass an ongoing
13 comprehensive planning process that is in the final
14 stages. A city of 8.5 million people that
15 geographically size and diversity of New York City
16 cannot be planned for and managed by project by
17 project. Neighborhood plans provide the needed
18 framework to ensure adequate open space and safe
19 pedestrian circulation. This is especially true when
20 a neighborhood is along a major transportation
21 corridor such as Atlantic Avenue. Neighborhood plans
22 also ensure needed infrastructure is planned for,
23 that effective economic development plans are
24 prepared to adjust the needs of local businesses and,
25 above all, that needs of existing residents are

2 addressed. Neighborhood plans are particularly
3 important in areas that have seen a series of
4 uncoordinated, individual rezonings over a relatively
5 short period of time. Such uncoordinated development
6 places real strains on the communities. We have seen
7 it over and over again in Manhattan, Queens, and
8 Brooklyn. Unless there are intentional targeted
9 efforts to ensure that local residents can afford the
10 new housing built, longstanding residents are pushed
11 out. There also needs to be initiatives to ensure
12 longstanding residents can afford to stay in their
13 homes. Council Member Hudson's District has seen a 20
14 percent decline in the black population over the last
15 decade. Uncoordinated development also creates
16 economic pressure on local businesses through rising
17 commercial rents. It strains local public resources
18 such as parks, schools, busses, subway stations, and
19 can overwhelm local infrastructure. This is why back
20 in December of 2022, this Council under the
21 leadership of Speaker Adrienne E. Adams released
22 planning and land use guidelines to focus on the
23 City's land use process on the need for comprehensive
24 planning.

1 Council Member Hudson and the Department
2 of City Planning have been working hard to finalize a
3 community-driven comprehensive plan where the
4 individual development proposal is located. This part
5 of Brooklyn has had no less than eight individual
6 development rezonings between 2018 and 2022, creating
7 over 2,000 residential units. Such uncoordinated
8 development establishes a comprehensive plan is
9 needed. If comprehensive plans such as the one that
10 is underway are not prioritized over individual
11 private proposals, our city will grow increasingly
12 unaffordable, congested, and less livable. The bottom
13 line is that New York City is an extremely
14 complicated ecosystem that needs to be properly
15 planned and managed, and this is exactly what AAMUP
16 is trying to achieve.

17 We heard at the public hearing that this
18 project should be approved because it is going to
19 bring much-needed affordable housing to this
20 neighborhood. No one is disputing that. This
21 neighborhood needs affordable housing. First of all,
22 affordable housing is exactly what the comprehensive
23 plan is seeking to achieve by planning for over 1,200
24 affordable units. The development site that we are
25

2 discussing today is in the area that the
3 comprehensive plan is intended to rezone to
4 residential so today's vote is not about foregoing
5 housing because this site will be rezoned for
6 residential use as a part of the larger comprehensive
7 plan.

8 Second, affordable housing is critical
9 but cannot be developed in a vacuum. Older residents
10 need access to services, access to public
11 transportation, need to be able to cross safely major
12 thoroughfares such as Atlantic Avenue. Providing
13 actual housing is only half the equation. You need to
14 also plan for this housing.

15 Today's vote is about maintaining the
16 integrity of the City's planning process. There is a
17 well-adverse comprehensive plan for this very
18 neighborhood underway that is scheduled to be
19 finalized and voted by the end of the year. An
20 individual project should not be allowed to sidestep
21 this public planning process to pursue its own
22 private interest. Until the comprehensive plan is
23 finalized, we do not know for sure whether this
24 individual proposal will be consistent with either
25 the vision for this neighborhood or the intended

2 capacity. This developer needs to wait in line. The
3 City in partnership with local community and Council
4 Member Hudson is finalized a comprehensive plan that
5 will allow this very development site to be
6 redeveloped for housing.

7 Let us rezone this development site as
8 part of the ongoing comprehensive plan in a few short
9 months and protect the integrity of the City's
10 planning process.

11 I would now like to turn the floor over
12 to Council Member Hudson to further explain why she
13 supports disapproving this proposal at the present
14 time and rezoning this development site as a part of
15 the larger comprehensive plan.

16 COUNCIL MEMBER HUDSON: Thank you, Chair
17 Riley.

18 You covered many of the reasons why I do
19 not support this application. To begin with, I want
20 to emphasize that disapproving this project is not a
21 vote against housing and new development. The
22 comprehensive plan that I've been working on with my
23 community and the Department of City Planning will
24 create over 4,200 apartments, and the applicant's
25 property will be rezoned as part of this initiative

1 so the plan is fundamentally a pro-housing strategy
2 that is focused on providing my community sorely
3 needed affordable housing. In my view, it is much
4 more effective to focus on an overall plan that is
5 going to provide over 1,200 affordable homes than
6 allowing individual projects to spring up here and
7 there in an uncoordinated, unplanned way. My
8 comprehensive approach to the neighborhood will allow
9 the very people who make this neighborhood so special
10 to stay, raise families, and have access to fair
11 wage, jobs, schools, and open space.
12

13 The second point that needs to be
14 emphasized is that I am fully committed to finalizing
15 this comprehensive plan, and we are well underway to
16 making the plan a reality. As I detailed during my
17 remarks at the public hearing, we have put a lot of
18 work into this plan. The applicant claimed during the
19 public hearing that the planning for this
20 neighborhood has dragged on for years and that they
21 should not be made to wait any longer, which I find
22 to be disingenuous. I entered office in January 2022.
23 In March 2022, I wrote a letter to the Department of
24 City Planning asserting that a comprehensive plan for
25 this area of my District could no longer wait and

needed to be completed. In April of 2022, DCP responded to my letter recognizing the need for a comprehensive plan and stated that it would partner with me to complete the plan. We proceeded to select a community engagement facilitator and, in January of 2023, we began the public engagement process. This critical engagement culminated this past summer in a report that sets out the community's vision and priorities. Based on this report, DCP issued a draft zoning proposal in September of 2023. In October, DCP started the required environmental review process for the plan with the stated objective of officially certifying the proposed rezoning into ULURP later this year. We have achieved all of this in just two years, and we are closing in on the last step of this planning process, or ULURP, so, from my perspective, my office along with DCP have been very effective in developing this comprehensive plan, and the applicant should wait until its property is rezoned as part of the plan later this year.

The other argument the applicant made at the hearing that I would like to address is that the proposed development project is consistent with the draft rezoning proposal and therefore the applicant's

1 proposal should be approved. This is a presumptuous
2 argument to make. Planning is an iterative community-
3 driven process. Although we are far along in
4 finalizing the comprehensive plan, the process is not
5 done. The applicant is effectively trying to cut
6 short this process and lock in its development
7 project. In the coming months, DCP will certify a
8 proposed final plan that the community and I will
9 review and formally vote on. During this final
10 review, the community and myself may modify the plan.
11 Until the community and this Council votes on a final
12 plan, the applicant cannot state with certainty that
13 its proposal will be consistent with the
14 comprehensive planning for this area. Again, I see no
15 reason why a private applicant should be able to cut
16 short the ongoing planning process.

18 The last point I would like to make is
19 that my position should not come as a surprise to the
20 applicant. I have been very consistent from the start
21 of this comprehensive planning process that the
22 piecemeal redevelopment of this area cannot continue.
23 In my letter to DCP back in March of 2022, I
24 specifically requested a neighborhood plan to stop
25 the piecemeal development of my District. I

1 reiterated this position in 2022 at a public hearing
2 regarding two private developments before the
3 neighborhood plan was formally launched. I also
4 stated my position as part of the community
5 engagement after the launch of the plan and at a
6 number of in-person working group sessions that the
7 applicant attended. In fact, a Community Board
8 member, Gib Veconi, stated at a CB8 meeting that "it
9 is true that the Council Member has stated that it's
10 not preferable to have additional private
11 applications." The bottom line is that this applicant
12 has known about my position since the moment it
13 brought the project to my attention.

14
15 In conclusion, I do not support this
16 proposal because we are in the midst of finalizing a
17 comprehensive plan for this area, and the public's
18 interest in making sure that the public review
19 process is not cut off short and that the applicant's
20 project is actually consistent with the finalized
21 comprehensive plan that outweighs the applicant's
22 private interests. Thank you.

23 CHAIRPERSON RILEY: Thank you, Council
24 Member Hudson.

2 For the reasons that Council Member
3 Hudson and I just explained, I recommend the
4 disapproval of LU 6, 7, and 8 regarding 962 Pacific
5 Avenue.

6 Moving onto the other proposals that we
7 are voting on today, starting with the Whitestone
8 Lane. We will vote to approve with modifications LUs
9 1 and 2 in Council Member Ung's District in Queens.
10 This proposal will rezone an existing M1-1
11 manufacturing district to a residential district R7A
12 to develop a residential building with approximately
13 415 apartments. This rezoning will also involve
14 mapping Mandatory Inclusionary Housing which will
15 require approximately 113 of the units to be
16 affordable units. The modification is to add the deep
17 affordability option which will require 20 percent of
18 the units to be affordable to households making 40
19 percent of the AMI or below. Council Member Ung
20 supports this rezoning proposal based on the proposed
21 modification.

22 Today, we will also vote to approve LUs
23 3, 4, and 5 regarding the 2226 Third Avenue in
24 Council Member Ayala's District in Manhattan. This
25 proposal seeks to use a 10-story building into a life

1 science center. The application consists of a
2 rezoning on the part of the development site that is
3 currently zoned for residential use only. The
4 rezoning would be from an R7B to an C4-6 which is the
5 zoning district for the rest of the site. The
6 application also seeks a text amendment to map
7 Mandatory Inclusionary Housing and extend the East
8 Harlem Corridor Special District to include the
9 proposed center. Lastly, the application seeks a
10 special permit to reduce the number of required
11 loading berths. Council Member Ayala supports this
12 rezoning proposal.
13

14 The fourth and final vote is to approve
15 LUs 9 and 10 regarding 166-11 91st Street Avenue
16 special permit in Council Member Williams' District.
17 The special permit requested will waive the height
18 requirement that applies to narrow lots in the
19 Special Downtown Jamaica District. This special
20 permit will allow applicant to develop a mixed-use
21 building with 28 apartments on this narrow lot. The
22 proposal includes mapping Mandatory Inclusionary
23 Housing over the development site. Council Member
24 Williams supports the rezoning proposal.
25

2 Members of this Subcommittee, if you have
3 any questions or remarks about today's items, you can
4 let me know now.

5 Counsel, are there any Members who have
6 any questions regarding these items that I have
7 mentioned today?

8 COMMITTEE COUNSEL VIDAL: Not that I am
9 aware of. Does Council Member Moya have any
10 questions?

11 COUNCIL MEMBER MOYA: No.

12 CHAIRPERSON RILEY: Thank you. I now call
13 for a vote to approve with modifications LUs 1 and 2
14 relating to the Whitestone Lane Rezoning, to approve
15 LUs 3, 4, and 5 relating to 2226 Third Avenue
16 proposal, to disapprove LUs 6, 7, and 8 relating to
17 962 Pacific Street Rezoning, and to approve LUs 9 and
18 10 relating to the 166-11 91 Street Avenue Special
19 Permit.

20 Counsel, please call the roll.

21 COMMITTEE COUNSEL VIDAL: Chair Riley.

22 CHAIRPERSON RILEY: Aye.

23 COMMITTEE COUNSEL VIDAL: Council Member
24 Moya.

25 COUNCIL MEMBER MOYA: I vote aye.

1 SUBCOMMITTEE ON ZONING AND FRANCHISES 17

2 COMMITTEE COUNSEL VIDAL: Council Member
3 Schulman.

4 COUNCIL MEMBER SCHULMAN: Aye.

5 COMMITTEE COUNSEL VIDAL: Council Member
6 Salaam.

7 COUNCIL MEMBER SALAAM: I vote aye.

8 COMMITTEE COUNSEL VIDAL: Council Member
9 Carr.

10 COUNCIL MEMBER CARR: Aye on all.

11 COMMITTEE COUNSEL VIDAL: Thank you. We
12 have five votes in the affirmative for all the
13 proposals.

14 CHAIRPERSON RILEY: Thank you, Counsel.
15 That concludes today's business.

16 I would like to thank the members of the
17 public, my Colleagues, Subcommittee Counsel, Land Use
18 and other Council Staff, and the Sergeant-at-Arms for
19 participating in today's meeting.

20 This meeting is hereby adjourned. Thank
21 you. [GAVEL]

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24

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C E R T I F I C A T E

World Wide Dictation certifies that the foregoing transcript is a true and accurate record of the proceedings. We further certify that there is no relation to any of the parties to this action by blood or marriage, and that there is interest in the outcome of this matter.



Date February 8, 2024